

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

KURZWEIL EDUCATIONAL SYSTEMS,
INC.,

Plaintiff,

v.

FREEDOM SCIENTIFIC, INC.,

Defendant.

Civil Action No.: 04-10965-NMG

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Local Rule 16.1(D), plaintiff Kurzweil Educational Systems, Inc. ("KESI") and defendant Freedom Scientific, Inc. ("Freedom") submit the following statement:

Agenda of Matters to Be Discussed at the Scheduling Conference

Pre-Trial Discovery Plan and Briefing Schedule

Discovery Plan and Proposed Schedule

A. Amount of Discovery

The parties agree that the number of depositions that the parties may take without leave of court specified in Fed.R.Civ.P. 30(a)(2)(A), should be modified as follows: Each side may take up to ten depositions of witnesses who are employees of a party, and up to fifteen total depositions, without further leave of the Court.

B. Discovery and Briefing Schedule

The parties differ on the appropriate discovery and pre-trial motion schedule in this case, and submit the following respective proposals:

EVENT	KESI PROPOSED DATE	FREEDOM PROPOSED DATE
Motions to amend the pleadings	February 1, 2005	April 29, 2005

Fact discovery closes	August 1, 2005	November 11, 2005
Experts identified and expert reports from each party on those issues for which the party bears the burden	September 1, 2005	December 21, 2005
Rebuttal experts identified and exchange of rebuttal expert reports	September 21, 2005	January 16, 2006
Expert Discovery Closes	October 21, 2005	February 17, 2006
Dispositive motions filed by	November 21, 2005	March 24, 2006
Oppositions to any dispositive motions	December 7, 2005	April 7, 2006
Replies to any dispositive motions	December 14, 2005	April 14, 2006
Hearing on dispositive motions	TBD	TBD
Final pre-trial conference	Ready by February 1, 2006	Ready by June 2, 2006

C. Certifications Pursuant to Local Rule 16.1(D)(3)

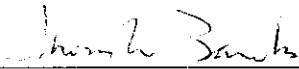
Plaintiff's certification is attached hereto as Exhibit A.

Defendant's certification is attached hereto as Exhibit B.


D. Trial by Magistrate Judge

The parties do not consent to trial by a Magistrate Judge at this time.

Respectfully submitted,



Thomas W. Banks (BBO#652950)
Christopher S. Schultz (BBO#630814)
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FREEDOM SCIENTIFIC, INC.


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Attorneys for Plaintiff
KURZWEIL EDUCATIONAL SYSTEMS, INC.

Dated: October 21, 2004

**I hereby certify that a true copy of
the above document was served upon
the attorney of record for each other
party by mail/hand on 10/27/04**


UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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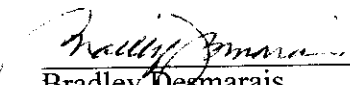
Civil Action No.: 04-10965-NMG

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

Pursuant to Local Rule 16.1(D)(3), the undersigned hereby certify that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.



Bradley Desmarais
Chief Financial Officer
KURZWEIL EDUCATIONAL SYSTEMS
INC.



Lawrence K. Kolodney
Attorney for Plaintiff
KURZWEIL EDUCATIONAL SYSTEMS, INC.

Dated: October 21, 2004

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DISTRICT OF MASSACHUSETTS

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FREEDOM SCIENTIFIC, INC.,

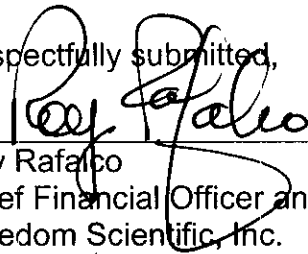
Defendant.

Civil Action No.: 04-10965-NMG

The undersigned counsel and representative of Freedom Scientific, Inc. certify that they have conferred regarding establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and have conferred regarding resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

Dated: October 5, 2004



Roy Rafalco
Chief Financial Officer and General Counsel
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and

Dated: October 13, 2004



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